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LAHIVE & COCKFIELD, LLP
ONE POST OFFICE SQUARE
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DEC 26 2006

OFFICE OF PETITIONS

In re Application of :
Basi et al. : DECISION ON APPLICATION
Application No. 10/010,942 : FOR
Filed: December 6, 2001 : PATENT TERM ADJUSTMENT
Attorney Docket No. ELN-002 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR RECONSIDERATION UNDER 37 CFR §1.705(b)," filed August 10, 2006. Applicants request that the determination of patent term adjustment be corrected from zero (0) days to at least five hundred eight (508) days.

The application for patent term adjustment is GRANTED to the extent indicated herein.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is ZERO (0) days, including an additional period of reduction of 12 days for applicant delay. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On May 11, 2006, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 0 days. The instant application for patent term adjustment was timely filed¹. Applicants dispute the reduction of 107 days associated with their filing of a response on September 16, 2002 to the Notice to File Missing Parts of

¹ PALM records indicate that the Issue Fee was received on August 11, 2006.

Application mailed March 1, 2002. Applicants contend that their response was filed on July 9, 2002, and thus, the period of reduction pursuant to 1.704(b) is 38 days.

Applicants disclose that a period of reduction of 12 days should be entered for their filing of an Information Disclosure Statement on March 12, 2006. This period has been entered.

37 C.F.R. §1.704(c)(7) provides that a period of reduction is entered for:

Submission of a reply having an omission (§1.135(c)), in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the reply having an omission was filed and ending on the date that the reply or other paper correcting the omission was filed.

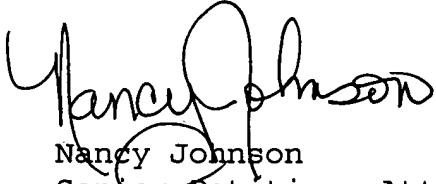
In this instance, a response was filed on July 9, 2002, three months and 38 days after the mailing of the Notice. Further, this response as indicated by the Notice to Comply mailed August 21, 2002, had an omission. On September 16, 2002, 69 days later, applicant filed the paper correcting the omission. Accordingly, pursuant to 37 CFR §§ 1.704(b) and 1.704(c)(7), a total period of 107 days was entered for applicant delay associated with these two failures to engage.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the notice of allowance is ZERO (0) days.

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

The Office of Patent Publication has been advised of this decision. The application is thereby forwarded to the Office of Patent Publication for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with the first name "Nancy" and last name "Johnson" clearly distinguishable.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of Revised PAIR Screen

Day : Thursday
Date: 12/21/2006

PALM INTRANET

Time: 07:33:59

PTA Calculations for Application: 10/010942

Application Filing Date:	12/06/2001	PTO Delay (PTO):	244
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	392
Post-Issue Petitions:	0	Total PTA (days):	0
PTO Delay Adjustment:	-12		

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10	07/01/2002	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			

9	07/30/2002	CRF DOES NOT MATCH APPLICATION SPECIFICATION -- APPLICANT MUST CORRECT			
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5	01/10/2002	IFW SCAN & PACR AUTO SECURITY REVIEW			
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3	12/19/2001	IFW SCAN & PACR AUTO SECURITY REVIEW			
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1	12/06/2001	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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